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Attorneys for Plaintiff Securities Intermediary

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WILMINGTON TRUST, N.A., as Securities
Intermediary,

1:21-cv-01540-PKC-TAM

Plaintiffs,

- against -

HERMAN SEGAL,

Defendant.

DECLARATION IN SUPPORT OF REQUEST FOR CERTIFICATE OF DEFAULT

KATHERINE A. SKEELE declares under penalty of perjury, in accordance with the provisions of 28 U.S.C. § 1746, as follows:

1. I am associated with the law firm of Holland & Knight LLP, attorneys for Plaintiff Wilmington Trust, N.A., as Securities Intermediary ("Securities Intermediary") in the above-captioned action, and respectfully submit this Declaration in Support of Security Intermediary's request that the default of respondent Herman Segal ("Segal") be noted.

2. Securities Intermediary seeks a declaratory judgment by this action declaring the death of Herman Segal's mother, Lilly Segal (aka Sprinta Berger), so that Securities Intermediary

may collect on two policies of life insurance on the life of the deceased. Segal has fraudulently and in bad faith concealed the death of Lilly Segal, in order to frustrate Securities Intermediary's rights. By the Complaint, Securities Intermediary also seeks damages for tortious interference with their right to collect on the policies insuring Lilly Segal's life.

3. On March 23, 2021, Securities Intermediary filed a Complaint requesting a declaratory judgment and an award of damages caused to Securities Intermediary by Segal's tortious interference. A Summons issued on March 24, 2021.

4. On May 24, 2021, at 8:03 am, Segal was served by affixing a copy of the Summons and Complaint to the door of his latest known residence, 1535 East 17th Street, Apt. 4R, Brooklyn, NY 11230, following service attempts on March 25, 2021 at 9:31 pm, March 26, 2021 at 11:45 am, March 31, 2021 at 7:05 am, May 12, 2021 at 9:37 am, May 13, 2021 at 9:00 pm, May 21, 2021 at 3:09 pm, and May 24, 2021 at 8:03 am, and by mailing a copy of the Summons and Complaint to that same address, by first class mail, on May 24, 2021.

5. Proof of service on Segal was filed on May 26, 2021 (Dkt. 5).

6. Defendant Segal has failed to file and serve an answer or otherwise respond to the Summons and Complaint.

7. Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), the answer was due to the Court on June 14, 2021.

8. The time for Segal has not been extended by any stipulation of the parties or any order of the Court.

9. On information and belief, Segal is not an infant, in the military, or an incompetent person.

WHEREFORE, Securities Intermediary respectfully requests that the application for entry of default against Herman Segal be granted.

Dated: New York, New York
February 10, 2022

/s/ Katherine A. Skeele
Katherine A. Skeele